

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DIRECTORS OF THE OHIO	:	
CONFERENCE OF PLASTERERS AND	:	Case No. 1:18-cv-2957
CEMENT MASONS COMBINED FUNDS,	:	
INC., <i>et al.</i> ,	:	OPINION & ORDER
	:	[Resolving Doc. 8]
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
21ST CENTURY CONCRETE	:	
CONSTRUCTION INC.,	:	
	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This case concerns unpaid employee benefits. Defendant 21st Century Concrete Construction Inc. (“21st Century”) agreed to make certain benefit fund contributions for its employees.¹ Plaintiffs, the directors for those funds, claim 21st Century missed months of payments, prompting this case.²

Plaintiffs ask the Court to issue a preliminary injunction freezing 21st Century’s assets to preserve them during litigation.³ However, in a separate case, District Judge Boyko has placed 21st Century’s assets into a receivership.⁴ Plaintiffs’ motion is thus moot.

Further, in that case, Judge Boyko enjoined 21st Century’s creditors from pursuing legal actions against 21st Century.⁵ Usually, Judge Boyko’s injunction would not reach

¹ Doc. 1.

² *Id.*

³ Doc. 8. Defendant has not responded.

⁴ Order Appointing Receiver, *Local 310 Trustees*, 1:19-cv-764, No. 10 (N.D. Ohio May 17, 2019).

⁵ *Id.*

Plaintiffs, who are not parties in that case.⁶ Receiverships are, however, different. A district court's authority over the receivership's assets allows it to bind even non-parties.⁷

The Court **DENIES** Plaintiffs' motion for injunctive relief and **STAYS** this case until Judge Boyko lifts the May 17, 2019 injunction.

IT IS SO ORDERED.

Dated: June 17, 2019

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ *E.g., Scott v. Donald*, 165 U.S. 107, 117 (1897); *Fellows v. Fellows*, 4 Johns Ch. 25, 25 (N.Y. Ch. 1819) ("[Y]ou cannot have an injunction, except against a party to the suit. Upon a review of all the cases, I think the practice of granting an injunction against a creditor, who is not a party, is wrong.").

⁷ *Liberte Capital Grp., LLC v. Capwill*, 462 F.3d 543, 551–52 (6th Cir. 2006).